

REMARKS

This Amendment is submitted in reply to the final Office Action dated June 18, 2009. No fee is due in connection with this Amendment. The Director is authorized to charge any additional fees which may be required, or to credit any overpayment to Deposit Account No. 02-1818. If such a withdrawal is made, please indicate the Attorney Docket No. 112701-704 on the account statement.

Claims 1, 22-23 and 31-55 are pending in this application. Claims 2-21 and 24-30 were previously canceled without prejudice or disclaimer. In the Office Action, Claims 50-55 are rejected under 35 U.S.C. §112. Claims 1, 22-23, 31-33 and 40 are rejected under 35 U.S.C. §102. Claims 34-39 and 41-49 are objected to as being dependent upon a rejected base claim. In response, Claims 34-39 and 41-49 have been amended and Claims 1, 22-23, 31-33, 40 and 50-55 have been canceled without prejudice or disclaimer. The amendments do not add new matter. At least in view of the amendments and/or for the reasons set forth below, Applicants respectfully submit that the objections and rejections should be withdrawn.

In the Office Action, the Patent Office states that Claims 34-39 and 41-49 are objected to as being dependent upon rejected base claims but would be allowable if rewritten in independent form. See, Office Action, page 4, lines 4-6. In response, Applicants have amended Claims 34-35 and 41 to put such claims in independent form. Furthermore, Applicants have amended Claims 36-39 and 42-49 solely for clarification purposes. These amendments do not add new matter. The amendments are fully supported in the Specification. Thus, Applicants respectfully submit that Claims 34-39 and 41-49 are in condition for allowance and that the objections to Claims 34-39 and 41-49 should be withdrawn.

In the Office Action, Claims 50-55 are rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite. The Patent Office asserts that there is no positive recitation in the claims of any steps which would result in the production of a beverage, such as the actual injection of a liquid. See, Office Action, page 2, lines 8-11. In response, Applicants have canceled Claims 50-55. Applicants respectfully submit that the cancellation of Claims 50-55 renders the indefiniteness rejection moot.

Accordingly, Applicants respectfully request that the rejection of Claims 50-55 under 35 U.S.C. §112, second paragraph, be withdrawn.

In the Office Action, Claims 1 and 22-23 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,772,676 B2 to Lassota ("Lassota") or U.S. Patent No. 6,786,134 B2 to Green ("Green"). In response, Applicants have canceled Claims 1 and 22-23. Applicants respectfully submit that the cancellation of Claims 1 and 22-23 renders the anticipation rejection moot.

Accordingly, Applicants respectfully request that the rejection of Claims 1 and 22-23 under 35 U.S.C. §102(e) to *Lassota* or *Green* be withdrawn.

In the Office Action, Claims 31-33 and 40 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 3,139,343 to Baselt ("Baselt"). In response, Applicants have canceled Claims 31-33 and 40. Applicants respectfully submit that the cancellation of Claims 31-33 and 40 renders the anticipation rejection moot.

Accordingly, Applicants respectfully request that the rejection of Claims 31-33 and 40 under 35 U.S.C. §102(b) to *Baselt* be withdrawn.

For the foregoing reasons, Applicants respectfully request reconsideration of the above-identified patent application and earnestly request an early allowance of the same. In the event there remains any impediment to allowance of the claims which could be clarified in a telephonic interview, the Examiner is respectfully requested to initiate such an interview with the undersigned.

Respectfully submitted,

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